

Attorneys at Law

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November 19, 2012

Via Email fhampton@fec.gov and US Mail Mr. Jeff S. Jordan Office of the General Counsel Federal Election Commission 999 E Street, N.W. Washington, DC 20463

Re: MUR 6664

Dear Mr. Jordan:

On behalf of Wall for Congress, Florence Magnuson as Treasurer, James Wall and Paula Zellner (collectively, the "Respondents"), this letter is submitted in response to the Federal Election Commission (the "FEC")'s notification that it has received a Complaint and Supplemental Complaint alleging that Respondents have violated the Federal Election Campaign Act ("FECA" or "the Act"). For the reasons set forth below, the FEC should find no reason to believe that the Respondents violated the Federal Election Campaign Act of 1971, as amended, or the FEC's regulations, and it should dismiss this matter forthwith.

The Complaint appears to assert that the Respondents violated the Act as a result of the Respondents' alleged receipt of in-kind corporate contribution from Service Employees International Union ("SEIU") and/or Wisconsin Jobs Now! However, Respondents received no in-kind, corporate contribution from either of these entities. Accordingly, the Complaint is factually and legally baseless and the Commission should refuse to take further action on the Complaint, and close the matter.

The Commission should dismiss Respondents from this action for the following four reasons:

First, Respondent Paula Zerlner ("Zellner") ceased working for SEIU/WI JOBS NOW! on or about March 4, 2012 not on May 5, 2012 as erroneously alleged by Complainant. Zellner did not provide her employer/occupation information to either the Friends of Mason or Maureen May-Grimm for Assembly. See Complainant's Ex. 5. Friends of Mason correctly listed her employer and occupation but Maureen May-Grimm for Assembly did not correctly list her employer and occupation information. Zellner does not have firsthand knowledge but presumes that when she donated to Maureen May-Grimm for Assembly, that Committee believed she was still working for her former employer, SEIU/WI Jobs Now!

Mr. Jeff S. Jordan Office of the General Counsel Federal Election Commission November 19, 2012 Page 2 of 2

Second, Zellner donated money to the Wall for Congress campaign ("Wall Campaign") on or about 10/3/2011 – Transaction ID: C19200178. Attached hereto and incorperated herein as Ex. "A" is Wall Campaign FEC Form 3, dated 1/31/2012. Under name of employer and occupation the Wall Campaign listed "Information Requested" for Zellner. Thereafter on or about April 17, 2012, the Wall Campaign filed an amended FEC Form 3. Attached hereto and incorporated herein as Ex. "B" is Wall Campaign amended FEC Form 3. At that time the campaign supplemented (as required by law) information that it had received and/or was missing from the original filing dated 1/31/2012. Therefore, at the time the amended FEC Form 3 was filed with the FEC, (April 17, 2012) Zellner's employer was the Wall Campaign and was listed accordingly.

<u>Third</u>, Complainant correctly alleges that Zellner was employed by SEIU/WI JOBS NOW! on or about January 18, 2012. The reason Zellner was listed as the contact person on the Wall Campaign website going back to 2011 and early 2012 was because the computer program used by the Wall Campaign web site retroactively populates the contact person information.

On or about March 5, 2012 when Zellner became the Wall Campaign Manager, her name and contact information was put into the Wall Campaign's web site which then automatically updated her contact information on all current and prior press releases that were stored on the Wall Campaign's web site. Attached heretu and incorporated herein as Ex. "C" is an explanation by the Wall Campaign's web designer. In further support of this argument, Respondents were able to obtain original campaign press releases from the website Wispolitics.com. Those releases dated October 5, 2011, January 18, 2012 and February 29, 2012 respectively show that Zellner was not the contact person for the Wall Campaign nor even associated with the Wall Campaign. Attached hereto and incorparted herein as Ex. "D" are those original Wall Press Releases. Please compare Respondents' Ex. "D" to Complainant's Ex. 9 & 10.

<u>Fourth</u>, towards the end of February 2012, Zellner attended a political training event in Washington, DC. She requested and received vacation time from her employer SEIU/WI JOBS NOW! to attend the event. The Wall Campaign did neimburse Zellner for that training event as she was going to be starting with the Wall campaign in less than a week.

For the foregoing reasons, the Complaint should be dismissed, and the matter clased.

Michael S. Maistelman

Counsel for Respondents

Enclosures

MSM/abm

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

For An Authorized Committee				Office Use Only			
1. NAME OF COMMITTEE (in full)	TYPE OR PRINT V	Example: If typing, type over the lines.	12FE4M5	4			
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Office Use. Only				FEC FORM 3 (Revised 02/2003)			



SCHEDULE A (FEC Form 3) TEMIZED RECEIPTS	Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: PAGE 130 OF 399 (check only one)
Any information copied from such Reports and sort for commercial purposes, other than using the	Statements may not be sold or used by any po	erson for the purpose of soliciting contributions to solicit contributions from such committee.
NAME OF COMMITTEE (In Full) Wall for Congress		
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Full Name (Last, First, Middle Initial): Judy Ziewacz Mailing Address 5623 Winnequah Rd. City Monona FEC ID number of contributing federal political committee. Name of Employer RETIRED Receipt For: 2012 Primary General Other (specify)	State Zip Code WI 53716 C Occupation RETIRED Election Cycle-to-Date	Date of Receipt 12 07 2011 Transaction ID : C19254356 Amount of Each Receipt this Period
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FEC FORM 3

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EX. B

SCHEDULI	EΑ	(FEC	Form	3)
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PAGE 130 OF FOR LINE NUMBER: (check only one) Use separate schedule(s) for each category of the X 11a **Detailed Summary Page** Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. NAME OF COMMITTEE (In Full) Wall for Congress Full Name (Lust, First, Middle Initial) Dane Zahn Date of Receipt Mailing Address 2089 Rudden Rd 2011 City State Zip Code Transaction ID: C19254080 Greenleaf W 54126-9654 FEC ID number of contributing Amount of Each Receipt this Period C federal political committee. 50.00 Name of Employer Occupation Information Requested Appliance Dealer Receipt For: 2012 **Election Cycle-to-Date** Primary General 50.00 Other (specify) Full Name (Last, First, Middle Initial) Paula Zellner Date of Receipt Mailing Address w3034 Twin Creek Road 2011 10 03 Zip Code City State Transaction ID: C19200178 Porterfield WÍ 54159-9747 FEC ID number of contributing Amount of Each Receipt this Period IC federal, political committee: 150.00 Name of Employer Occupation Campaign Manager **Wall for Congress** Receipt For: 2012 Election Cycle-to-Date Primary General 150.00 Other (specify) Full Name (Last, First, Middle Initial) Date of Receipt Judy Ziewacz Mailing Address 5623 Winnequah Rd 2011 12 07 City State Zip Code Transaction ID : C19254356 WI 53716-3064 Monona FEC ID number of contributing ¿C Amount of Each Receipt this Period federal political committee. 100.00 Name of Employer Occupation RETIRED RETIRED Receipt For: 2012 Election Cycle-to-Date **Primary** General 100.00 Other (specify) 300.00 SUBTOTAL of Receipts This Page (optional).....



PRESS RELEASES

Wall Campaign: Jamie Wall announces run to represent Wisconsin's Eight Congressional District 10/5/2011

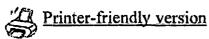
Contact: Wall for Congress (920) 370-7786

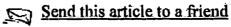
GREEN BAY, WI— Jamie Wall today announced his campaign to build a strong future for Wisconsin's Eighth Congressional District. Born and raised on a family dairy farm in northeast Wisconsin, Wall now runs his own small business in Green Bay. He knows first-hand what it takes to bring people together to solve problems, improve the economy, and create jobs.

"I'm running for Congress because I love northeast Wisconsin, and we deserve better than we're getting from Washington," Wall said. "Real people are suffering in this economy, and our politicians are squabbling with each other instead of working together to do what's right for the people who elected them."

"It doesn't have to be this way. We can turn things around, both here in Wisconsin and across the country. But it's going to take leadership that's focused on improving the economy, creating jobs, and protecting the way of life we enjoy here in Wisconsin. We need people in Congress who will find practical ways to preserve Medicare and Social Security instead of working to destroy them. We need to do better. And I believe we can."

Wall was raised on his family's dairy farm and grew up hunting and fishing with family and neighbors. After graduating as valedictorian of his class at Wrightstown High School, he was the first in his family to go to college. He earned an honors degree in History and Political Science at the University of Wisconsin-Madison and became the first UW student in a generation to win a Rhodes Scholarship. Wall helped establish the northeast Wisconsin economic development organization now known as the New North and has extensive experience helping businesses in Wisconsin and around the country solve complex strategic and operational problems.







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EX. D



Wall Campaign: Jamie Wall earns spot in DCCC's competitive Red-to-Blue Program 1/18/2012

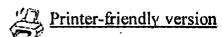
Contact: Stephanie Rodgers, 920-370-2168, stephanie@jamiewall.com

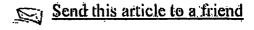
Jamie Wall (WI-08) announced today that he earned a spot on the Democratic Congressional Campaign Committee's (DCCC) highly competitive Red-to-Blue program. He has surpassed demanding fundraising, organizing, and infrastructure goals and skillfully demonstrated to voters that he is a problem-solver who will protect the middle class when elected to Congress.

"I am honored that so many people in Wisconsin's 8 th Congressional District have joined our grassroots campaign to create jobs, stand up for middle class families, protect Medicare and Social Security and reignite the American dream," said Jamie Wall. "The early strength we have demonstrated by being named to the Red to Blue program means we have the support, confidence, and momentum it takes to win in November."

"Bern and raised on a dairy farm in Nertheast Wisconsin, Jamie Wall knows first-hand the value of hard work and what it takes to invest in small businesses and create jobs," said Chairman Steve Israel. "Jamie is building a formidable, grassroots campaign that offers Wisconsinites an alternative to the extreme, out of touch Republican agenda that ends Medicare just to give out tax breaks to billionaires and rewards partisan ideology over common sense solutions."

The DCCC's Red to Blue program highlights top Democratic campaigns across the country, and offers them financial, communications, grassroots, and strategic support. The program will introduce Democratic supporters to new, competitive candidates in order to help expand the fundraising base for these campaigns.







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Wall Campaign: Announces 1000th donor 2/29/2012

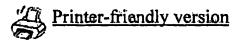
Contact: Stephanie Rodgers, 920-370-2168, stephanie@jamiewall.com

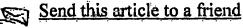
Jamie Wall (WI-08) announced today that John Rybski of Algoma, Wisconsin is the 1000th donor to his campaign for Congress. Rybski, a retired small business owner, contributed \$25 to Wall's campaign online.

"I'm deeply concerned with the dysfunctional Congress that we've had over the past two years," said Rybski. "Politicians have been putting party before principle. I support Jamie because he will put principle before political gain and work for the good of the people."

Since launching his campaign in October, Wall has built a strong campaign focused on grassroots support. Fundraising has been a strength for Wall – he raised almost \$60,000 more than his incumbent opponent in his first quarter in the race.

"I'm grateful for John and the 999 others who have supported my race in the past five months," said Wall. "My grassroots support proves that Northeast Wisconsin is ready for change and that we will win this race in November."





SHARE E S

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